

# EXHIBIT 3A

# GREER, HERZ & ADAMS, L.L.P.

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

J. SCOTT ANDREWS

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Galveston, Texas 77550

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December 15, 2016

Via E-Mail: jsasummerlin@yahoo.com  
& CM/RRR #7002 0510 0003 2054 0759

Jimmy T. Summerlin  
Da Stadium Sports Bar  
5231 Burke Rd. Pasadena TX 77504

Re: Civil Action No. 3:16-cv-00049; *Broadcast Music, Inc., et al. v. JT Sports, Inc.*  
*a/k/a JT Sports Bar, Inc. d/b/a Da Stadium Sports Bar; and Jimmy Summerlin,*  
*individually;* In the United States District Court for the Southern District of Texas

Dear Mr. Summerlin:

Enclosed please find the following:

1. Plaintiffs' First Set of Interrogatories to Defendant,
2. Plaintiffs' First Request for Production of Documents by Defendants, and
3. Plaintiffs' First Request for Admissions to Defendants.

If you have any questions, please let me know.

Sincerely,



Scott Andrews

SA/mt  
Enclosures

**GALVESTON**  
One Moody Plaza, 18th Floor  
Galveston, Texas 77550  
409.797.3200

365977.1

**BAY AREA HOUSTON**  
2525 South Shore Blvd., Suite 203  
League City, Texas 77573  
281.480.5278

**HOUSTON**  
700 Milam, Suite 1300  
Houston, Texas 77002  
713.655.1571  
(By Appointment Only)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

BROADCAST MUSIC, INC.; et al. )  
                                    )  
Plaintiffs,                  ) CIVIL ACTION NO.: 3:16-cv-00049  
                            )  
v.                              )  
                            )  
JT SPORTS, INC. a/k/a JT SPORTS BAR, )  
INC. d/b/a DA STADIUM SPORTS BAR; )  
and JIMMY SUMMERLIN, individually,    )  
                            )  
Defendants.                 )

**PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiffs request Defendants, within thirty (30) days after service of this request, to admit, for purposes of this action only, that each of the statements set forth below is true. If Defendants fail to admit the truth of any matter as requested, and if Plaintiffs must therefore prove the truth of the matter, Plaintiffs will apply to the court for an order requiring Defendants to pay Plaintiffs the reasonable expenses incurred in making the proof, including reasonable attorney's fees, pursuant to Rule 37(c) of the Federal Rules of Civil Procedure.

By: /s/ J. Scott Andrews  
**David Le Blanc**  
Attorney-In-Charge  
Greer, Herz, & Adams, L.L.P.  
State Bar No. 00791090  
2525 South Shore Boulevard, Ste. 203  
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(409)797-3200 (Telephone)

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dleblanc@greerherz.com

**J. Scott Andrews**  
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State Bar No. 24064823  
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(409)797-3200 (Telephone)  
(409) 766-6424 (Telecopy)  
jandrews@greerherz.com

**Margaret A. Boulware**  
Boulware & Valoir  
State Bar No. 0611770  
Three Riverway – Suite 950  
Houston, TX 77056  
(832)369-7852 (Telephone)  
(713)650-6458 (Facsimile)  
mboulware@boulwarevaloir.com

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of this document was served upon the following counsel of record, as indicated below, on this the 15<sup>th</sup> day of December 2016.

**Via Email (jsasummerlin@yahoo.com)& CMRRR # 7002 0510 0003 2054 0759**

**Jimmy T. Summerlin (*pro se*)**  
Da Stadium Sports Bar  
5231 Burke Rd. Pasadena TX 77504  
713-398-9131  
jsasummerlin@yahoo.com

By: /s/ J. Scott Andrews  
J. Scott Andrews

**REQUEST FOR ADMISSIONS NO. 1:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant JT Sports, Inc. also known as JT Sports Bar, Inc. operated and maintained a facility known as Da Stadium Sports Bar located at 5231 Burke Road, Suite 100, Pasadena, Texas 77504.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 2:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant JT Sports, Inc. also known as JT Sports Bar, Inc. had the right and ability to direct and control the activities of Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 3:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant JT Sports, Inc. also known as JT Sports Bar, Inc. had a direct financial interest in Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 4:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant Jimmy Summerlin operated and maintained a facility known as Da Stadium Sports Bar located at 5231 Burke Road, Suite 100, Pasadena, Texas 77504.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 5:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant Jimmy Summerlin had the right and ability to direct and control the activities of Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 6:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant Jimmy Summerlin had the right and ability to supervise the persons employed by Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 7:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant Jimmy Summerlin had a direct financial interest in Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 8:**

On the evening of April 1, 2015 and the early morning of April 2, 2015 Defendant Jimmy Summerlin was the President of Defedant JT Sports, Inc. also known as JT Sports Bar, Inc.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 9:**

On the evening of April 1, 2015 and the early morning of April 2, 2015, Da Stadium Sports Bar was open to the public.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 10:**

On the evening of April 1, 2015 and the early morning of April 2, 2015, musical compositions were publicly performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 11:**

On April 1, 2015, at Da Stadium Sports Bar The musical composition "Edge Of Seventeen" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 12:**

On April 1, 2015, at Da Stadium Sports Bar the musical composition "Me And Bobby McGee" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 13:**

On April 1, 2015, at Da Stadium Sports Bar the musical composition "Round Here" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 14:**

On April 1, 2015, at Da Stadium Sports Bar the musical composition "She Talks To Angels" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 15:**

On April 1, 2015, at Da Stadium Sports Bar the musical composition "Tainted Love" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 16:**

On April 1, 2015, at Da Stadium Sports Bar the musical composition "Get Rhythm" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 17:**

The Defendants have no evidence controverting that on April 1, 2015 the musical composition "Edge Of Seventeen" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 18:**

The Defendants have no evidence controverting that on April 1, 2015 the musical composition "Me And Bobby McGee" was performed at Da Stadium Sports Bar;

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 19:**

The Defendants have no evidence controverting that on April 1, 2015 the musical composition "Round Here" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 20:**

The Defendants have no evidence controverting that on April 1, 2015 the musical composition "She Talks To Angels" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 21:**

The Defendants have no evidence controverting that on April 1, 2015 the musical composition "Tainted Love" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 22:**

The Defendants have no evidence controverting that on April 1, 2015 the musical composition "Get Rhythm" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 23:**

On April 2, 2015, at Da Stadium Sports Bar the musical composition "Don't Worry, Be Happy" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 24:**

On April 2, 2015, at Da Stadium Sports Bar the musical composition "Rehab" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 25:**

On April 2, 2015, at Da Stadium Sports Bar the musical composition "You Know I'm No Good" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 26:**

On April 2, 2015, at Da Stadium Sports Bar the musical composition "Lonely Eyes" was performed.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 27:**

The Defendants have no evidence controverting that on April 2, 2015 the musical composition "Don't Worry, Be Happy" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 28:**

The Defendants have no evidence controverting that on April 2, 2015 the musical composition "Rehab" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 29:**

The Defendants have no evidence controverting that on April 2, 2015 the musical composition "You Know I'm No Good" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 30:**

The Defendants have no evidence controverting that on April 2, 2015 the musical composition "Lonely Eyes" was performed at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 31:**

The individual(s) listed on line 3 of each claim appearing on the Schedule (annexed to the Complaint) is/are the writer(s) of the musical compositions listed on line 2.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 32:**

The Defendants have no evidence controverting that the individual(s) listed on line 3 of each claim appearing on the Schedule is/are the writer(s) of the musical composition listed on line 2.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 33:**

The Plaintiffs listed on line 4 of each claim appearing on the Schedule is/are the owner(s) of the copyright in the musical composition listed on line 2.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 34:**

The Defendants have no evidence controverting that the Plaintiffs listed on line 4 of each claim appearing on the Schedule is/are the owner(s) of copyrights in the musical composition listed on line 2.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 35:**

A registration of copyright in the musical composition listed on line 2 of each claim appearing on the Schedule was filed with the Copyright Office on the date listed on line 5 and a certificate was issued bearing the registration number listed on line 6.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 36:**

The Defendants have no evidence controverting that a registration of copyright in the musical composition listed on line 2 of each claim appearing on the Schedule was filed with the Copyright Office on the date listed on line 5 and that a certificate was issued bearing the registration number listed on line 6.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 37:**

On the date(s) listed on line 7 of each claim appearing on the Schedule, Plaintiff Broadcast Music, Inc. (BMI) licensed public performance rights in the musical composition listed on line 2.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 38:**

The Defendants have no evidence controverting that on the date(s) listed on line 7 of each claim appearing on the Schedule, Plaintiff Broadcast Music, Inc. (BMI) did license public performance rights in the musical composition listed on line 2.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 39:**

Between September 2012 and April 2015 Plaintiff Broadcast Music, Inc. offered to grant a license for public performances of musical compositions at Da Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 40:**

On the evening of April 1, 2015 and the early morning of April 2, 2015, the Defendants were not licensed by any of the Plaintiffs to publicly perform any of their musical compositions at Da

Stadium Sports Bar.

**RESPONSE:**

**REQUEST FOR ADMISSIONS NO. 41:**

Defendants have no evidence controverting that they did receive the letters from BMI attached as Exhibit A hereto.

**RESPONSE:**

# EXHIBIT A



Music That Works For You

[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 359261

September 28, 2012

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd  
Pasadena TX 77504

Dear Mr. Thornton:

### How Can BMI Help You?

BMI grants permission to play BMI music to thousands of businesses and organizations from restaurants and bowling centers, to corporations and trade shows - all of which need permission to play music publicly under U.S. and global copyright laws. BMI represents an award-winning repertoire that currently contains more than 7.5 million musical works and is always growing. We license the music of more than 500,000 songwriters, composers, and music publishers. BMI then distributes approximately 87 % of all of the licensing fees collected to these copyright owners so that they can continue to do what they do best – create music for you and your business.

A BMI license will grant you legal access to all of this music and can be obtained by licensing online or by completing and returning the enclosed agreement.

**To license your business or organization online, please go to the web address located in the upper right hand corner, click "Apply for a License" then enter your Username & Password.** Many trade associations have discount programs with BMI. Contact your association to see if you qualify for a discount.

If you have any questions, you can find information on BMI at the Better Business Bureau's web site: [www.us.bbb.org/music](http://www.us.bbb.org/music). You may also contact BMI at (888) 689-5264 or from [www.bmi.com/email](http://www.bmi.com/email).

Sincerely,

Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Encl: EDE1 MPA, Q&A, Related Info, BRE  
/2510691//Premise State: TX

P.S. Did you know that BMI customers can save up to 25% at FedEx, JBL, and Dell?



10 Music Square East, Nashville, Tennessee 37203-4399  
BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

(888) 689-5264

Fax: (615) 401-2624

ECINTRO-4.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 532168

November 5, 2012

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Baytown TX 77521

**Visit Us On The Web About Your Licensing Needs: [www.bmi.com/ede](http://www.bmi.com/ede)**

**Call BMI: (888) 689-5264**

**Email Us From: [www.bmi.com/email](http://www.bmi.com/email)**

Dear Mr. Thornton:

We've been referred to you as the person responsible for handling legal responsibilities and/or compliance issues in your business. BMI is a performing right organization recognized in the U.S. copyright law as a licensor of music. Since our verifications indicate that music is used in your business, we would like to help you license that music use.

Because we believe we have already supported our request for a music license with a sufficient amount of information and materials regarding BMI, we suggest that if you still have legal questions regarding music licensing that you please visit the following web sites:

(1) Better Business Bureau - <http://www.us.bbb.org/music>

(2) United States Copyright Office - <http://www.copyright.gov>  
(BMI is recognized in Title 17 as a performing right organization under  
*Section 101 (page 4) Definitions: Performing Rights Societies*).

You can also find answers to many of your questions in the Licensing section at [www.bmi.com](http://www.bmi.com).

We urge you to license online or return the enclosed license as soon as possible. **To license online, please go to the web address located in the upper right hand corner of this letter, click "Apply for a License" and enter your Username & Password.**

Many trade associations have discount programs with BMI. Contact your association to see if you qualify for a discount. We are certain that you will find our license to be the most cost-effective way to provide copyright clearance for your music use.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Page".

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1 MPA 10/12, BRE  
2510691/tb/Premise State: TX



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Fax: (615) 401-2624

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www.bmi.com/ede  
Username: 2510691  
Password: 235748

Music That Works For You

November 14, 2012

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Baytown TX 77521

Dear Mr. Thornton:

**Do You Know How Music Licensing Affects Businesses And Organizations That Play Music?**  
We've attempted to contact you to explain how BMI's service can be of help to you by providing the permission that must be obtained from copyright owners before music is played publicly. Determining who the songwriters are for each song that's played by a business or organization would be a staggering endeavor. That's why BMI offers a solution. A BMI Music License provides permission under U.S. and global copyright laws to use any of the more than 7.5 million copyrighted musical works that BMI represents.

**How Do You Know That You Are Playing BMI Music?**

Approximately one out of every two songs played on radio is BMI-licensed music. The BMI repertoire has won numerous GRAMMYs, Country Music Association, and American Music Awards. BMI writers represent the largest percentage of inductees into the Rock & Roll Hall of Fame, account for roughly one-half of all of the winners of the coveted Pulitzer Prize in the field of classical music, and have received the most Rhythm & Blues Foundation Pioneer Awards and Downbeat Jazz Poll Awards.

If you are playing music, please license online or sign and return the enclosed license as soon as possible. **To license online, go to the web address located in the upper right hand corner, click "Apply for a License" and enter your Username & Password.** Many trade associations have discount programs with BMI. Contact your association to see if you qualify for a discount.

If you have any questions, you can find information on BMI at the Better Business Bureau's web site: [www.us.bbb.org/music](http://www.us.bbb.org/music). You may also call BMI at (888) 689-5264 or Email: [licensing@bmi.com](mailto:licensing@bmi.com)

Sincerely,

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1 MPA, Awards Q&A, Related Info, BRE  
/2510691//Premise State: TX

P.S. Did you know that BMI customers can save up to 25% at FedEx, JBL, and Dell?



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[www.bmi.com/ede](http://www.bmi.com/ede)  
“Apply for a License”  
Username: 2510691  
Password: 457565

December 31, 2012

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Baytown TX 77521

Dear Mr. Thornton:

## If Music Were Meant to Be Free All of us could write it.

Recently, there has been a lot of discussion about infringement and protection of intellectual property on the Internet, particularly when it comes to the use of music by both businesses and consumers. Although this issue has created some uncertainty as to what permissions are needed now, BMI has been educating and licensing businesses that play music publicly for many years.

### **Why Do You Need A BMI Music License To Play Music In Your Business?**

The answer is that without a license, you are using property that is protected by copyright laws without permission. These laws exist to encourage and enable songwriters and composers to continue to create music by providing them with the right to be compensated when their work is used. Without these protections, music, and quality music specifically, would not be available to the great extent that it is. BMI's licensing service helps to ensure the continuation of great music.

**It is important that you license any BMI music you are playing now. To license online, please go to the web address located in the upper right hand corner, click “Apply for a License” and enter the Username and Password provided. We’ve also enclosed a license for your convenience. Many trade associations have discount programs with BMI. Contact your association to see if you qualify.**

If you have questions about the copyright law, please visit the U. S. Copyright Office’s website at <http://www.copyright.gov>. You can also contact BMI directly at **(888) 689-5264** or email us from [www.bmi.com/email](http://www.bmi.com/email). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Page".

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1, Related Info, BRE  
/2510691//Premises State: TX



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Fax: (615) 401-2624

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[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 385887

January 28, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Baytown TX 77521

**Visit Us On The Web About Your Licensing Needs: [www.bmi.com/ede](http://www.bmi.com/ede)**

**Call BMI: (888) 689-5264**

**Email Us From: [www.bmi.com/email](http://www.bmi.com/email)**

### **Why Should You License Your Business?**

- BMI represents more than 550,000 copyright owners. Our songwriters and composers are essentially small business owners. They write the music you use in your business;
- A BMI Music License provides your business with copyright clearance from these songwriters and composers, as well as their publishers, as required by U.S. copyright law. This saves you the time and expense of securing permission from every copyright owner yourself;
- A BMI Music License provides you access to an award-winning repertoire of more than 7.5 million musical works (roughly half of all of the music performed in America) in all styles of music through just one agreement;
- BMI distributes all music licensing fees, less operating expenses, to our affiliated copyright owners. Currently, more than 84 cents of every dollar of your music licensing fee is paid to our affiliated songwriters, composers, and music publishers;
- Licensing is the right thing to do. Otherwise, you will be using someone else's property without their permission.

### **2 Important Facts You Should Know About Songwriters**

- Many times the creator of the work is different than the artist performing the work and is not well known. An easy way to check this is to visit our list of songwriters and composers and the songs they've written at [www.bmi.com](http://www.bmi.com). A BMI Music License helps ensure that the *creator of the work* will be paid.
- Most songwriters and composers work for years at writing songs before they make one dime and whatever they earn must cover years of unpaid hard work.

For more information about music licensing and copyright clearance, you may also find the following sites helpful: (1) Better Business Bureau – <http://www.us.bbb.org> (2) United States Copyright Office - <http://www.copyright.gov> (BMI is recognized in Title 17 as a performing right organization under *Section 101 Definitions: Performing Rights Societies*).

### **To License Your Business Online**

**Just go to the web address located in the upper right hand corner of this letter. Click "Apply for a License, then enter your Username and Password.**

**Please call or e-mail BMI at the contact information provided above if you have any questions.**

Encl: EDE1 MPA 10/12, BRE  
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Fax: (615) 401-2624

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Music That Works For You

[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 514987

February 11, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Baytown TX 77521

Dear Mr. Thornton:

I was recently in your area but was unable to contact you about the BMI Music License we sent to you a while ago. Since you are using music in your business, it is important that we have the opportunity to discuss your responsibilities under U.S. and global copyright laws and how BMI can assist you in meeting them.

BMI is recognized in the U.S. Copyright Law, Title 17, United States Code Subsection 114 (d)(3)(E)(ii) as a licensor of music. Representing more than 550,000 copyright owners and their more than 7.5 million musical works, BMI music accounts for roughly half of all of the music performed in America. All of this music is available for use in businesses through recorded, live, radio and/or TV public performances if the proper legal permission is obtained.

Accompanying this letter are a few items that may help you in understanding the copyright law and how BMI makes it easy for businesses to comply with licensing requirements. This packet includes:

- A brochure entitled "The Legal Aspects of Performing Copyrighted Music", which answers frequently asked questions about the copyright law and music licensing.
- A BMI Music License (with fee schedule so that you can easily calculate your fee.)

You may also find the Better Business Bureau's web site helpful: [www.us.bbb.org/music](http://www.us.bbb.org/music). In addition, please visit BMI's web site at [www.bmi.com/licensing](http://www.bmi.com/licensing) for a list of BMI's more than 7.5 million song titles and the more than 550,000 songwriters, composers, and publishers affiliated with BMI. The site also contains information on music licensing and how BMI can help your business license all of these works with one license.

We hope that this information will provide answers to the questions you may have that have delayed the return of your license. Please license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password. Or, complete the enclosed Music License and return it with your payment.

Should you have any questions, enclosed is my business card with all of my appropriate contact information. You can also reach BMI at **(888) 689-5264** or from [www.bmi.com/email](http://www.bmi.com/email). Thank you for your immediate attention to this compliance issue. It is important that this matter be resolved quickly.

Encl: EDE1 MPA, Legal Aspects, GL Awards Q&A, Business Card, BRE  
2510691/Premises State: TX



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(888) 689-5264

Fax: (615) 401-2624

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www.bmi.com/ede  
Username: 2510691  
Password: 121333

Music That Works For You

April 8, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Baytown TX 77521

Dear Mr. Thornton:

**Do You Know How Music Licensing Affects Businesses And Organizations That Play Music?**  
We've attempted to contact you to explain how BMI's service can be of help to you by providing the permission that must be obtained from copyright owners before music is played publicly. Determining who the songwriters are for each song that's played by a business or organization would be a staggering endeavor. That's why BMI offers a solution. A BMI Music License provides permission under U.S. and global copyright laws to use any of the more than 7.5 million copyrighted musical works that BMI represents.

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Sincerely,

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1 MPA, Awards Q&A, Related Info, BRE  
/2510691//Premise State: TX

P.S. Did you know that BMI customers can save up to 25% at FedEx, JBL, and Dell?



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(888) 689-5264

Fax: (615) 401-2624

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[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 376849

May 22, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Dear Mr. Thornton:

## If Music Were Meant to Be Free All of us could write it.

Recently, there has been a lot of discussion about infringement and protection of intellectual property on the Internet, particularly when it comes to the use of music by both businesses and consumers. Although this issue has created some uncertainty as to what permissions are needed now, BMI has been educating and licensing businesses that play music publicly for many years.

### Why Do You Need A BMI Music License To Play Music In Your Business?

The answer is that without a license, you are using property that is protected by copyright laws without permission. These laws exist to encourage and enable songwriters and composers to continue to create music by providing them with the right to be compensated when their work is used. Without these protections, music, and quality music specifically, would not be available to the great extent that it is. BMI's licensing service helps to ensure the continuation of great music.

**It is important that you license any BMI music you are playing now. To license online, please go to the web address located in the upper right hand corner, click "Apply for a License" and enter the Username and Password provided. We've also enclosed a license for your convenience. Many trade associations have discount programs with BMI. Contact your association to see if you qualify.**

If you have questions about the copyright law, please visit the U. S. Copyright Office's website at <http://www.copyright.gov>. You can also contact BMI directly at (888) 689-5264 or email us from [www.bmi.com/email](http://www.bmi.com/email). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Page".

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1, Related Info, BRE  
/2510691//Premises State: TX



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(888) 689-5264

Fax: (615) 401-2624

ECF2-4.doc



Music That Works For You

[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 264924

June 3, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Dear Mr. Thornton:

I was recently in your area but was unable to contact you about the BMI Music License we sent to you a while ago. Since you are using music in your business, it is important that we have the opportunity to discuss your responsibilities under U.S. and global copyright laws and how BMI can assist you in meeting them.

BMI is recognized in the U.S. Copyright Law, Title 17, United States Code Subsection 114 (d)(3)(E)(ii) as a licensor of music. Representing more than 600,000 copyright owners and their more than 7.5 million musical works, BMI music accounts for roughly half of all of the music performed in America. All of this music is available for use in businesses through recorded, live, radio and/or TV public performances if the proper legal permission is obtained.

Accompanying this letter are a few items that may help you in understanding the copyright law and how BMI makes it easy for businesses to comply with licensing requirements. This packet includes:

- A brochure entitled "The Legal Aspects of Performing Copyrighted Music", which answers frequently asked questions about the copyright law and music licensing.
- A BMI Music License (with fee schedule so that you can easily calculate your fee.)

You may also find the Better Business Bureau's web site helpful: [www.us.bbb.org/music](http://www.us.bbb.org/music). In addition, please visit BMI's web site at [www.bmi.com/licensing](http://www.bmi.com/licensing) for a list of BMI's more than 7.5 million song titles and the more than 600,000 songwriters, composers, and publishers affiliated with BMI. The site also contains information on music licensing and how BMI can help your business license all of these works with one license.

We hope that this information will provide answers to the questions you may have that have delayed the return of your license. **Please license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password.** Or, complete the enclosed Music License and return it with your payment.

Should you have any questions, enclosed is my business card with all of my appropriate contact information. You can also reach BMI at **(888) 689-5264** or from [www.bmi.com/email](http://www.bmi.com/email). Thank you for your immediate attention to this compliance issue. It is important that this matter be resolved quickly.

Encl: EDE1 MPA, Legal Aspects, GL Awards Q&A, Business Card, BRE  
2510691/Premises State: TX



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Fax: (615) 401-2624

ECTRIP-2.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 711699

June 21, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Visit Us On The Web About Your Licensing Needs: [www.bmi.com/ede](http://www.bmi.com/ede)

Call BMI: (888) 689-5264

Email Us From: [www.bmi.com/email](http://www.bmi.com/email)

### Why Should You License Your Business?

- BMI represents more than 600,000 copyright owners. Our songwriters and composers are essentially small business owners. They write the music you use in your business;
- A BMI Music License provides your business with copyright clearance from these songwriters and composers, as well as their publishers, as required by U.S. copyright law. This saves you the time and expense of securing permission from every copyright owner yourself;
- A BMI Music License provides you access to an award-winning repertoire of more than 7.5 million musical works (roughly half of all of the music performed in America) in all styles of music through just one agreement;
- BMI distributes all music licensing fees, less operating expenses, to our affiliated copyright owners. Currently, more than 85 cents of every dollar of your music licensing fee is paid to our affiliated songwriters, composers, and music publishers;
- Licensing is the right thing to do. Otherwise, you will be using someone else's property without their permission.

### 2 Important Facts You Should Know About Songwriters

- Many times the creator of the work is different than the artist performing the work and is not well known. An easy way to check this is to visit our list of songwriters and composers and the songs they've written at [www.bmi.com](http://www.bmi.com). A BMI Music License helps ensure that the creator of the work will be paid.
- Most songwriters and composers work for years at writing songs before they make one dime and whatever they earn must cover years of unpaid hard work.

For more information about music licensing and copyright clearance, you may also find the following sites helpful: (1) Better Business Bureau – <http://www.us.bbb.org> (2) United States Copyright Office - <http://www.copyright.gov> (BMI is recognized in Title 17 as a performing right organization under *Section 101 Definitions: Performing Rights Societies*).

### To License Your Business Online

Just go to the web address located in the upper right hand corner of this letter. Click "Apply for a License, then enter your Username and Password.

Please call or e-mail BMI at the contact information provided above if you have any questions.

Encl: EDE1 MPA 10/12, BRE  
2510691//Premise State: TX



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(888) 689-5264

Fax: (615) 401-2624

ECBRIDGE-2.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 134611

August 5, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

**Visit Us On The Web About Your Licensing Needs: [www.bmi.com/ede](http://www.bmi.com/ede)**

**Call BMI: (888) 689-5264**

**Email Us From: [www.bmi.com/email](http://www.bmi.com/email)**

Dear Mr. Thornton:

In recent weeks we have made numerous attempts to contact you concerning your rights and responsibilities as someone who plays BMI copyrighted music in a business. Unfortunately, we have been unable to reach an agreement regarding licensing your business.

Please understand, the U.S. copyright law recognizes music as the property of its creator(s) and grants them the exclusive right to perform their music in public (such as in a business). Anyone else wishing to play music in a business must first receive permission from the music's owners. As a performing right organization, BMI serves as a representative of more than 600,000 songwriters, composers, and publishers. We grant businesses permission to play more than 7.5 million musical works through a single BMI Music License.

BMI strives to work with those who play music in their business and to make it easy for them to comply with the law. However, we are dedicated to protecting the rights of our affiliates.

To resolve this matter quickly, please license online or complete and return the enclosed BMI Music License as soon as possible.

***To license online, just go to the web address located in the upper right hand corner of this letter, click "Apply for a License" and enter your Username & Password.*** Many trade associations have discount programs with BMI. Contact your association to see if you qualify for a discount.

If you have any questions, please contact BMI as noted above. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Page".

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1 MPA 10/12, BRE  
2510691//Premise State: TX



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Fax: (615) 401-2624

ECKF2-3.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
"Apply for a License"  
Username: 2510691  
Password: 251794

September 19, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

**Visit Us On The Web About Your Licensing Needs: [www.bmi.com/ede](http://www.bmi.com/ede)**

**Call BMI: (888) 689-5264**

**Email Us From: [www.bmi.com/email](http://www.bmi.com/email)**

**MUSIC IS THE PROPERTY OF SONGWRITERS, COMPOSERS, AND PUBLISHERS**

Dear Mr. Thornton:

We have expended a great deal of time and effort to explain your responsibilities as one who publicly plays copyrighted music. Despite these efforts, our requests for you to obtain the proper permission to play any of BMI's more than 7.5 million copyrighted musical works have gone unanswered.

You can easily meet your obligations under the U.S. copyright law by licensing online or signing and returning the enclosed music license to BMI. Without the necessary license, continued performance of BMI music constitutes copyright infringement.

***To license online, please go to the web address located in the upper right hand corner of this letter, click "Apply for a License" and enter your Username & Password.***

This matter should receive your immediate attention. I urge you to license your business today. Many trade associations have discount programs with BMI. Contact your association to see if you qualify for a discount.

Should you still have questions regarding this matter, please contact BMI as noted above.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Page".

Jason Page  
Senior Director  
Licensing Sales

Encl: EDE1 MPA 10/12, BRE  
2510691//Premise State: TX



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(888) 689-5264

Fax: (615) 401-2624

EC6RF-3.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 371862

October 18, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Re: Music License

Dear Mr. Thornton:

Several weeks ago BMI sent a letter to you informing you of your need to secure a BMI Music License.

The purpose of this follow-up letter is to make it clear to you that we need to address this matter now. Please return the enclosed License Agreement along with the appropriate annual fee or license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password.

If you have made the decision not to license your BMI music use, please complete and return the form below. Your response will help us bring closure to this very important matter.

Please be assured of our commitment to our affiliates and that the continued use of BMI licensed music without permission will leave me no alternative other than to refer this matter to our attorneys. If you have any questions, please call me at (888) 689-5264.

Sincerely,

A handwritten signature in black ink that reads "Matt Gute".

Matt Gute  
Senior Director  
General Licensing

Encl: EDE1 MPA , Legal Aspects, BRE  
2510691//Premise State: TX

=====

Re: Account ID#: 2510691

- I have decided not to sign BMI's Music License.  
 I have already signed and returned BMI's License.

---

Signature

---

Date



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(888) 689-5264

Fax: (615) 401-2624

ECMGDMD.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 855763

November 6, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Re: BMI Music License

Dear Mr. Thornton:

I note that BMI has been contacting you for some time regarding the necessity of signing a BMI Music License for your organization(s). In correspondence and phone calls directed to you on numerous occasions, the need for such a License was clearly stated. Every effort has been made to resolve the matter amicably, but without success.

In the past, letters have been mailed to your attention along with licenses reflecting your music usage fee of \$ 1,760.00 for the period of 10/01/2012 to 09/30/2013 only. This fee does not include all other unlicensed periods in which you were using music.

Copyright Infringement is a serious offense. It is imperative that you give this your immediate attention. I have again enclosed a BMI Music License. You can also license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password. Your failure to complete, sign, and return the License or license online within five (5) days will leave me no alternative other than to refer this matter to our attorneys.

Should you have any questions, please call (888) 689-5264.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
Licensing Sales

Encl: EDE1 MPA, BRE  
2510691//Premise State: TX



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(888) 689-5264

Fax: (615) 401-2624

ECLSFH.doc



[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 817143

December 9, 2013

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

FEDEX

Dear Mr. Thornton:

I am an attorney in Broadcast Music, Inc.'s ("BMI") Licensing Department. BMI is a performing right organization that licenses the public performance rights of its affiliated songwriters, composers, and music publishers. In addition to licensing the public performance rights, it is part of BMI's responsibility to protect the copyrighted works of its affiliates from unlawful use without proper authorization. To that end, BMI contacts businesses using music, such as your business, and offers them a BMI license.

I am advised that a BMI representative has contacted your business on several occasions in an effort to help your business to secure a BMI license. Our records indicate that, as of this date, you have not returned a signed license to BMI and, as such, you are not currently licensed by BMI to publicly perform the more than 8.5 million musical works in the BMI repertoire. If you have already returned your executed BMI license, or you have otherwise secured permission to perform BMI-licensed music, please contact BMI immediately at (888) 689-5264. Otherwise, I am enclosing another BMI license for your business. You can also license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password. If you have questions, or need assistance completing the license, please feel free to contact me.

If BMI does not receive a completed license agreement from you, or a response to this letter indicating that you have otherwise licensed the BMI music used in your business, this letter serves as notice that you must discontinue the public performance of any BMI-licensed music. The public performance of BMI music without the proper authorization constitutes copyright infringement and may result in substantial damages under the Federal Copyright Law.

Sincerely,

A handwritten signature in black ink that reads "Pamela B. Williams".

Pamela Williams, Esq.  
Assistant Vice President  
Business Affairs - Licensing

Encl: EDE1 MPA , Legal Aspects, BRE  
2510691//Premises State: TX



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Fax: (615) 401-2624

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April 13, 2015

Dear Customer:

The following is the proof-of-delivery for tracking number 570864009607.

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**Delivery Information:**

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Status:	Delivered	Delivery location:	PASADENA, TX
Signed for by:	M.CARIMA	Delivery date:	Dec 11, 2013 11:23
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday		

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**Shipping Information:**

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Tracking number:	570864009607	Ship date:	Dec 9, 2013
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Recipient:	Shipper:
PASADENA, TX US	NASHVILLE, TN US

Reference	67
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Thank you for choosing FedEx.



Music That Works For You

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"Apply for a License"  
Username: 2510691  
Password: 425988

February 10, 2014

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Dear Mr. Thornton:

I was recently in your area but was unable to contact you about the BMI Music License we sent to you a while ago. Since you are using music in your business, it is important that we have the opportunity to discuss your responsibilities under U.S. and global copyright laws and how BMI can assist you in meeting them.

BMI is recognized in the U.S. Copyright Law, Title 17, United States Code Subsection 114 (d)(3)(E)(ii) as a licensor of music. Representing more than 600,000 copyright owners and their more than 8.5 million musical works, BMI music accounts for roughly half of all of the music performed in America. All of this music is available for use in businesses through recorded, live, radio and/or TV public performances if the proper legal permission is obtained.

Accompanying this letter are a few items that may help you in understanding the copyright law and how BMI makes it easy for businesses to comply with licensing requirements. This packet includes:

- A brochure entitled "The Legal Aspects of Performing Copyrighted Music", which answers frequently asked questions about the copyright law and music licensing.
- A BMI Music License (with fee schedule so that you can easily calculate your fee.)

You may also find the Better Business Bureau's web site helpful: [www.us.bbb.org/music](http://www.us.bbb.org/music). In addition, please visit BMI's web site at [www.bmi.com/licensing](http://www.bmi.com/licensing) for a list of BMI's more than 8.5 million song titles and the more than 600,000 songwriters, composers, and publishers affiliated with BMI. The site also contains information on music licensing and how BMI can help your business license all of these works with one license.

We hope that this information will provide answers to the questions you may have that have delayed the return of your license. **Please license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password.** Or, complete the enclosed Music License and return it with your payment.

Should you have any questions, enclosed is my business card with all of my appropriate contact information. You can also reach BMI at **(888) 689-5264** or from [www.bmi.com/email](http://www.bmi.com/email). Thank you for your immediate attention to this compliance issue. It is important that this matter be resolved quickly.

Encl: EDE1 MPA, Legal Aspects, GL Awards Q&A, Business Card, BRE  
2510691/Premises State: TX



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(888) 689-5264

Fax: (615) 401-2624

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[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 373586

February 27, 2014

Matt Thornton  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Re: Music License

Dear Mr. Thornton:

Several weeks ago BMI sent a letter to you informing you of your need to secure a BMI Music License.

The purpose of this follow-up letter is to make it clear to you that we need to address this matter now. Please return the enclosed License Agreement along with the appropriate annual fee or license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password.

If you have made the decision not to license your BMI music use, please complete and return the form below. Your response will help us bring closure to this very important matter.

Please be assured of our commitment to our affiliates and that the continued use of BMI licensed music without permission will leave me no alternative other than to refer this matter to our attorneys. If you have any questions, please call me at (888) 689-5264.

Sincerely,

A handwritten signature in black ink that reads "Matt Gute".

Matt Gute  
Senior Director  
General Licensing

Encl: EDE1 MPA , Legal Aspects, BRE  
2510691/Premise State: TX

=====  
Account ID#: 2510691

Re: JT Sports Inc.

- I have decided not to sign BMI's Music License.  
 I have already signed and returned BMI's License.

---

Signature

---

Date



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Fax: (615) 401-2624

ECMGDMD.doc



www.bmi.com/ede  
Username: 2510691  
Password: 582777

March 7, 2014

Jimmy Summerlin  
Da Stadium Sports Bar  
1012 Walnut Pointe  
League City TX 77573

FEDEX

Re: Music License

Dear Mr. Summerlin:

Several weeks ago BMI sent a letter to you informing you of your need to secure a BMI Music License.

The purpose of this follow-up letter is to make it clear to you that we need to address this matter now. Please return the enclosed License Agreement along with the appropriate annual fee or license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password.

If you have made the decision not to license your BMI music use, please complete and return the form below. Your response will help us bring closure to this very important matter.

Please be assured of our commitment to our affiliates and that the continued use of BMI licensed music without permission will leave me no alternative other than to refer this matter to our attorneys. If you have any questions, please call me at (888) 689-5264.

Sincerely,

A handwritten signature in black ink that reads "Matt Gute".

Matt Gute  
Senior Director  
General Licensing

Encl: EDE1 MPA , Legal Aspects, BRE  
2510691/lpc/Premise State: TX

=====

Re: JT Sports Inc.

Account ID#: 2510691

- I have decided not to sign BMI's Music License.  
 I have already signed and returned BMI's License.

---

Signature

---

Date



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(888) 689-5264

Fax: (615) 401-2624

ECMGDMD.doc



April 13, 2015

Dear Customer:

The following is the proof-of-delivery for tracking number 592056524351.

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**Delivery Information:**

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Status:	Delivered	Delivery location:	LEAGUE CITY, TX
Signed for by:	T.AGUSO	Delivery date:	Mar 11, 2014 16:29
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday Residential Delivery		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

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**Shipping Information:**

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Tracking number:	592056524351	Ship date:	Mar 7, 2014
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Recipient:	Shipper:
LEAGUE CITY, TX US	NASHVILLE, TN US

Reference	67
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Thank you for choosing FedEx.



[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 628993

March 19, 2014

Jimmy Summerlin  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

Re: BMI Music License

Dear Mr. Summerlin:

I note that BMI has been contacting you for some time regarding the necessity of signing a BMI Music License for your organization(s). In correspondence and phone calls directed to you on numerous occasions, the need for such a License was clearly stated. Every effort has been made to resolve the matter amicably, but without success.

In the past, letters have been mailed to your attention along with licenses reflecting your music usage fee of \$ 1,760.00 for the period of 10/01/2012 to 09/30/2013 only. This fee does not include all other unlicensed periods in which you were using music.

Copyright Infringement is a serious offense. It is imperative that you give this your immediate attention. I have again enclosed a BMI Music License. You can also license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password. Your failure to complete, sign, and return the License or license online within five (5) days will leave me no alternative other than to refer this matter to our attorneys.

Should you have any questions, please call (888) 689-5264.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
Licensing Sales

Encl: EDE1 MPA, BRE  
2510691//Premise State: TX



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(888) 689-5264

Fax: (615) 401-2624

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[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 635435

April 21, 2014

Jimmy Summerlin  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena TX 77504

FEDEX

Dear Mr. Summerlin:

I am an attorney in Broadcast Music, Inc.'s ("BMI") Licensing Department. BMI is a performing right organization that licenses the public performance rights of its affiliated songwriters, composers, and music publishers. In addition to licensing the public performance rights, it is part of BMI's responsibility to protect the copyrighted works of its affiliates from unlawful use without proper authorization. To that end, BMI contacts businesses using music, such as your business, and offers them a BMI license.

I am advised that a BMI representative has contacted your business on several occasions in an effort to help your business to secure a BMI license. Our records indicate that, as of this date, you have not returned a signed license to BMI and, as such, you are not currently licensed by BMI to publicly perform the more than 8.5 million musical works in the BMI repertoire. If you have already returned your executed BMI license, or you have otherwise secured permission to perform BMI-licensed music, please contact BMI immediately at (888) 689-5264. Otherwise, I am enclosing another BMI license for your business. You can also license online by going to the web address located in the upper right hand corner of this letter, clicking "Apply for a License" and entering your Username and Password. If you have questions, or need assistance completing the license, please feel free to contact me.

If BMI does not receive a completed license agreement from you, or a response to this letter indicating that you have otherwise licensed the BMI music used in your business, this letter serves as notice that you must discontinue the public performance of any BMI-licensed music. The public performance of BMI music without the proper authorization constitutes copyright infringement and may result in substantial damages under the Federal Copyright Law.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela B. Williams".

Pamela Williams, Esq.  
Assistant Vice President  
Business Affairs - Licensing

Encl: EDE1 MPA , Legal Aspects, BRE  
2510691//Premises State: TX



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(888) 689-5264

Fax: (615) 401-2624

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April 13, 2015

Dear Customer:

The following is the proof-of-delivery for tracking number 592056548039.

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**Delivery Information:**

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Status:	Delivered	Delivery location:	PASADENA, TX
Signed for by:	J.PAREYA	Delivery date:	Apr 23, 2014 14:57
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

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**Shipping Information:**

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Tracking number:	592056548039	Ship date:	Apr 21, 2014
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**Recipient:**  
PASADENA, TX US

**Shipper:**  
NASHVILLE, TN US

**Reference** 67

Thank you for choosing FedEx.



May 20, 2014

Jimmy Summerlin  
Da Stadium Sports Bar  
5231 Burke Rd Suite #100  
Pasadena, TX 77504

FEDEX

Re: Da Stadium Sports Bar

## CEASE & DESIST NOTICE

Dear Mr. Summerlin:

Since you have not responded to BMI's correspondence nor have you secured a BMI license agreement authorizing the public performance of BMI-licensed music at your business, this shall serve as formal notice to you that **effective this date, you must immediately cease all use of BMI-licensed music in your business or organization.**

The public performance of music in the BMI repertoire without authorization constitutes copyright infringement, which is a violation of federal law and may subject you to substantial damages. Damages for copyright infringement, as set forth in Title 17 of the United States Code (Copyright Law), can range from \$750 to \$30,000 per title infringed and courts may increase those per title damages in the event that the court finds the infringement to be willful.

Please be advised that BMI is prepared to take whatever action may be necessary to protect the performing right of its affiliated composers and publishers. To resolve this matter without litigation, contact BMI at (888) 689-5264 or email [licensing@bmi.com](mailto:licensing@bmi.com) within 5 days of receipt of this Notice.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
Licensing Sales





April 13,2015

Dear Customer:

The following is the proof-of-delivery for tracking number **558712387458**.

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**Delivery Information:**

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Status:	Delivered	Delivery location:	PASADENA, TX
Signed for by:	J.PAREIA	Delivery date:	May 22, 2014 15:00
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday  Direct Signature Required		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

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**Shipping Information:**

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Tracking number:	558712387458	Ship date:	May 20, 2014
------------------	--------------	------------	--------------

Recipient: PASADENA, TX US	Shipper: NASHVILLE, TN US
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Reference	67
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Thank you for choosing FedEx.



[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 663558

May 23, 2014

Jimmy Summerlin  
Da Stadium Sports Bar  
1012 Walnut Pointe  
League City TX 77573

[EMAIL](#)

Re: Da Stadium Sports Bar

## CEASE & DESIST NOTICE

Dear Mr. Summerlin:

Since you have not responded to BMI's correspondence nor have you secured a BMI license agreement authorizing the public performance of BMI-licensed music at your business, this shall serve as formal notice to you that **effective this date, you must immediately cease all use of BMI-licensed music in your business or organization.**

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Please be advised that BMI is prepared to take whatever action may be necessary to protect the performing right of its affiliated composers and publishers. To resolve this matter without litigation, contact BMI at (888) 689-5264 or email [licensing@bmi.com](mailto:licensing@bmi.com) within 5 days of receipt of this Notice. To license your business online, go to the web address in the upper right hand corner of this letter and enter your Username and Password.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
Licensing Sales

Encl: EDE1 MPA, BRE  
2510691/rc/Premises State: TX



10 Music Square East, Nashville, Tennessee 37203-4399  
BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

(888) 689-5264

Fax: (615) 401-2624

ECFCCSE.doc

Screen Name: Takecontrol Fulfillment History

File Name: C:\USR\BCSLOCAL\SCREEN\DEFAULT\GXFULHST.SCR

Script Name: C:\USR\BCSLOCAL\GUIDE\DEFAULT\SXADDFUL.SGE

Database: BCSCOMON

Takecontrol Fulfillment History

File Edit Button Bar Actions Help

Fulfillment History

Fulfillment Source	EMFX	Ship Via	Email
Pri Source ID	2510691	Requested By	rconrad
Contact Name	Jimmy Summerlin	Var A	May 23, 2014
Request Date	05/22/2014	Var B	rc
Delivery Date		Var C	
Fax # sent to		Var D	
Email Address	JP@DaStadium.com	Var E	
Letter Sent	ECFCCSE.doc	Reprint	Var F
Courier Status	Status Not Found	Var G	
Courier Bill#		Var H	
Account ID	2510691	Var I	
Contact ID	70041252548115	Var J	
Fulfillment ID	70811403065513	Var K	
Courier Msg1			
Courier Msg2			
Courier Msg3			
Courier Status			
Date	Time	Status	Exception
05/22/2014	1500	Delivered	



[www.bmi.com/ede](http://www.bmi.com/ede)  
Username: 2510691  
Password: 811458

May 23, 2014

Matt Thornton  
Da Stadium Sports Bar  
1012 Walnut Pointe  
League City TX 77573

EMAIL

Re: Da Stadium Sports Bar

## CEASE & DESIST NOTICE

Dear Mr. Thornton:

Since you have not responded to BMI's correspondence nor have you secured a BMI license agreement authorizing the public performance of BMI-licensed music at your business, this shall serve as formal notice to you that **effective this date, you must immediately cease all use of BMI-licensed music in your business or organization.**

The public performance of music in the BMI repertoire without authorization constitutes copyright infringement, which is a violation of federal law and may subject you to substantial damages. Damages for copyright infringement, as set forth in Title 17 of the United States Code (Copyright Law), can range from \$750 to \$30,000 per title infringed and courts may increase those per title damages in the event that the court finds the infringement to be willful.

Please be advised that BMI is prepared to take whatever action may be necessary to protect the performing right of its affiliated composers and publishers. To resolve this matter without litigation, contact BMI at (888) 689-5264 or email [licensing@bmi.com](mailto:licensing@bmi.com) within 5 days of receipt of this Notice. To license your business online, go to the web address in the upper right hand corner of this letter and enter your Username and Password.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
Licensing Sales

Encl: EDE1 MPA, BRE  
2510691/rc/Premises State: TX



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(888) 689-5264

Fax: (615) 401-2624

ECFCCSE.doc

Screen Name: Takecontrol Fulfillment History

File Name: C:\USR\BCSLOCAL\SCREEN\DEFAULT\GXFULHST.SCR

Script Name: C:\USR\BCSLOCAL\GUIDE\DEFAULT\SXADDFUL.SGE

Database: BCSCOMON

Takecontrol Fulfillment History

File Edit Button Bar Actions Help

Fulfillment History

Fulfillment Source	EMFX	Ship Via	Email
Pri Source ID	2510691	Requested By	rconrad
Contact Name	Matt Thornton	Var A	May 23, 2014
Request Date	05/22/2014	Var B	rc
Delivery Date		Var C	
Fax # sent to		Var D	
Email Address	cantu2323@gmail.com	Var E	
Letter Sent	ECFCCSE.doc	Reprint	Var F
Courier Status	Status Not Found	Var G	
Courier Bill#		Var H	
Account ID	2510691	Var I	
Contact ID	64780909071973	Var J	
Fulfillment ID	70811402305509	Var K	
Courier Msg1			
Courier Msg2			
Courier Msg3			
Courier Status			
Date	Time	Status	Exception
05/22/2014	1500	Delivered	



March 24, 2015

Jimmy T. Summerlin  
Da Stadium Sports Bar  
5231 Burke Rd Ste #100  
Pasadena TX 77504

Re: Da Stadium Sports Bar

Dear Mr. Summerlin:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of BMI copyrighted musical works in your business or organization, we must proceed in efforts to protect the rights of our more than 600,000 affiliated songwriters, composers, and music publishers. This can be avoided, however, by contacting this office immediately and licensing your music use.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "B Mullaney".

Brian Mullaney  
Vice President  
Licensing Sales





Jeffrey J. Burrow  
 Senior Director  
 Business Affairs  
 Licensing

Jimmy T. Summerlin - President  
 JT Sports, Inc.  
 Da Stadium Sports Bar  
 5231 Burke Rd Ste #100  
 Pasadena, TX 77504

April 14, 2015  
**VIA FIRST CLASS**

**RE: Notice of Copyright Infringement - Da Stadium Sports Bar**

Dear Mr. Summerlin:

This is to notify you that infringement of BMI-licensed music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You have been previously advised that BMI would not permit the unauthorized use of the copyrighted music we represent.

We have provided you with all the pertinent information and have requested that you obtain a license to permit the public performance of BMI-licensed music in your establishment. We remain ready to furnish you with the necessary license at this time. The fees below cover all unlicensed periods for your business. The fees are currently based on an estimated total premise occupancy of 300.

Bear in mind that when an official occupancy is obtained, or if you can supply us with the proper occupancy documentation now, the fees below will be adjusted to reflect any discrepancy that might occur. In addition to the license fees, Music Researcher Costs of \$616.54 have been incurred and are included in the total amount due below.

**Periods & License Fees**

10/1/12 – 9/30/13	Live 2-4 nights a week, Karaoke 1 night a week, Recorded/DJ and Dancing	\$2,850.00
10/1/13 – 9/30/14	Live 2-4 nights a week, Karaoke 1 night a week, Recorded/DJ and Dancing	\$2,910.00
10/1/14 – 9/30/15	Live 2-4 nights a week, Karaoke 1 night a week, Recorded/DJ and Dancing	\$2,940.00
	Music Researcher Costs	\$616.54
	Total:	\$9,316.54

In order to resolve this issue now, the enclosed License Agreement must be completed, signed and returned along with a payment of \$9,316.54 for all the outstanding fees and Music Researcher Costs immediately upon receipt of this letter. Please also note that we are aware of your additional locations. We will need to secure licenses and collect lost revenue for any licensable additional locations as part of any settlement agreement. Should you fail to return the completed and signed Agreement with full payment, I will have no alternative other than to refer this matter to our Legal Department for whatever action is deemed necessary.

Regards,

A handwritten signature in black ink, appearing to read "Jeffrey J. Burrow".

Jeffrey J. Burrow

Encl: EDEI MPA, Legal Aspects, Premise State TX and BRE  
 JB/cg 2510691



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 Broadcast Music, Inc.

(615)401-2882

Fax: 615-401-2631

Mod8dmdx.doc



Jeffrey J. Burrow  
Senior Director  
Business Affairs  
Licensing

Jimmy T. Summerlin - President  
JT Sports, Inc.  
Da Stadium Sports Bar  
5231 Burke Rd Ste #100  
Pasadena, TX 77504

April 14, 2015  
**VIA FEDEX**

**RE: Notice of Copyright Infringement - Da Stadium Sports Bar**

Dear Mr. Summerlin:

This is to notify you that infringement of BMI-licensed music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You have been previously advised that BMI would not permit the unauthorized use of the copyrighted music we represent.

We have provided you with all the pertinent information and have requested that you obtain a license to permit the public performance of BMI-licensed music in your establishment. We remain ready to furnish you with the necessary license at this time. The fees below cover all unlicensed periods for your business. The fees are currently based on an estimated total premise occupancy of 300.

Bear in mind that when an official occupancy is obtained, or if you can supply us with the proper occupancy documentation now, the fees below will be adjusted to reflect any discrepancy that might occur. In addition to the license fees, Music Researcher Costs of \$616.54 have been incurred and are included in the total amount due below.

**Periods & License Fees**

10/1/12 – 9/30/13	Live 2-4 nights a week, Karaoke 1 night a week, Recorded/DJ and Dancing	\$2,850.00
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10/1/14 – 9/30/15	Live 2-4 nights a week, Karaoke 1 night a week, Recorded/DJ and Dancing	\$2,940.00
	Music Researcher Costs	<u>\$616.54</u>
	Total:	<b>\$9,316.54</b>

In order to resolve this issue now, the enclosed License Agreement must be completed, signed and returned along with a payment of \$9,316.54 for all the outstanding fees and Music Researcher Costs immediately upon receipt of this letter. Please also note that we are aware of your additional locations. We will need to secure licenses and collect lost revenue for any licensable additional locations as part of any settlement agreement. Should you fail to return the completed and signed Agreement with full payment, I will have no alternative other than to refer this matter to our Legal Department for whatever action is deemed necessary.

Regards,

Jeffrey J. Burrow

Encl: EDEI MPA, Legal Aspects, Premise State TX and BRE  
JB/cg 2510691



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April 15,2015

Dear Customer:

The following is the proof-of-delivery for tracking number **621456225497**.

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**Delivery Information:**

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Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	J.PAYRIA	Delivery location:	PASADENA, TX
Service type:	FedEx Standard Overnight	Delivery date:	Apr 15, 2015 14:13
Special Handling:	Deliver Weekday Direct Signature Required		

NO SIGNATURE IMAGE IS AVAILABLE VIA THIS TRACKING APPLICATION.  
The proof of delivery details appear below; however, no signature image is available at this time.

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**Shipping Information:**

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Tracking number:	621456225497	Ship date:	Apr 14, 2015
		Weight:	0.5 lbs/0.2 kg

Recipient:	Shipper:
PASADENA, TX US	Nashville, TN US

Reference	62
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Thank you for choosing FedEx.



Jimmy T. Summerlin - President  
Da Stadium Sports Bar  
5231 Burke Rd Ste #100  
Pasadena, TX 77504

April 15, 2015

RE: BMI Music License

Dear Mr. Summerlin:

Since you have not responded to our attempts to resolve the outstanding license for Da Stadium Sports Bar, this matter has been forwarded to our Legal Department for whatever action they deem necessary. Any future communication will need to be with them.

Regards,

A handwritten signature in black ink, appearing to read "Jeffrey J. Burrow". It is written in a cursive style with a long horizontal line extending from the end of the signature.

Jeffrey J. Burrow  
Senior Director  
General Licensing  
Business Affairs



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(615)401-2882 Fax: 615-401-2631 E-Mail: [jburrow@bmi.com](mailto:jburrow@bmi.com)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

BROADCAST MUSIC, INC.; )  
PROBNOBLEM MUSIC; WELSH WITCH )  
MUSIC; COMBINE MUSIC CORP.; )  
COUNTING CROWS, LLC d/b/a JONES )  
FALLS MUSIC; PORKCHOPS AND )  
APPLESAUCE PUBLISHING; THIS )  
OUGHT TO GET ME A NEW GUITAR )  
MUSIC; FREE OHIO PUB; EMI )  
BLACKWOOD MUSIC, INC.; )  
WARNER-TAMERLANE PUBLISHING )  
CORP.; EMBASSY MUSIC )  
CORPORATION; HOUSE OF CASH, INC.; )  
3JB MUSIC; FRESH BAKED COOKIES, )  
 )  
Plaintiffs, ) CIVIL ACTION NO.: 3:16-cv-00049  
 )  
v. )  
 )  
JT SPORTS, INC. a/k/a JT SPORTS BAR, )  
INC. d/b/a DA STADIUM SPORTS BAR; )  
and JIMMY SUMMERLIN, individually, )  
 )  
Defendants. )

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs propound the following Interrogatories to Defendants, to be answered separately and fully in writing, under oath by Defendants, with answers to be served on Plaintiffs' undersigned counsel within thirty (30) days after service of these Interrogatories.

These Interrogatories are to be considered continuing in nature within the meaning of F.R.C.P. 26(e)(1) and (2), requiring Defendants to reasonably supplement or amend responses to these Interrogatories.

By: /s/ J. Scott Andrews

**David Le Blanc**

Attorney-In-Charge

Greer, Herz, & Adams, L.L.P.

State Bar No. 00791090

2525 South Shore Boulevard, Suite 203

League City, Texas 77573

(409) 797-3200 (Telephone)

(409) 766-6424 (Facsimile)

[dleblanc@greerherz.com](mailto:dleblanc@greerherz.com)

**J. Scott Andrews**

Greer, Herz, & Adams, L.L.P.

State Bar No. 24064823

One Moody Plaza, 18<sup>th</sup> Floor

Galveston, Texas 77550

(409) 797-3200 (Telephone)

(866) 422-4270 (Facsimile)

[jandrews@greerherz.com](mailto:jandrews@greerherz.com)

**Margaret A. Boulware**

Boulware & Valoir

State Bar No. 0611770

Three Riverway – Suite 950

Houston, TX 77056

(832) 369-7852 (Telephone)

(713) 650-6458 (Facsimile)

[mboulware@boulwarevaloir.com](mailto:mboulware@boulwarevaloir.com)

**Attorneys for Plaintiffs**

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of this document was served upon the following counsel of record, as indicated below, on this the 15<sup>th</sup> day of December 2016.

**Via Email (jsasummerlin@yahoo.com)& CMRRR # 7002 0510 0003 2054 0759**

**Jimmy T. Summerlin (pro se)**

Da Stadium Sports Bar

5231 Burke Rd. Pasadena TX 77504

713-398-9131

[jsasummerlin@yahoo.com](mailto:jsasummerlin@yahoo.com)

By: /s/ J. Scott Andrews

J. Scott Andrews

**I. DEFINITIONS**

A. "Defendants" refers to JT Sports, Inc. also known as JT Sports Bar, Inc. and Jimmy Summerlin as well as to any of their employees, agents, counsel, associates, accountants, servants, assignees, heirs, personal representatives, and all other persons or entities acting or purporting to act on behalf of Defendants in this action.

B. "Da Stadium" shall mean the establishment known as Da Stadium Sports Bar located at 5231 Burke Road, Suite #100, Pasadena, Texas 77504.

C. "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

D. The term "fact" as used herein shall include, without limitation, every relevant matter, occurrence, act, event, transaction, occasion, meeting, document, instance, circumstance, recitation, writing, or other happening.

E. "Person" is defined as any natural person, or any business, legal or governmental entity or association.

F. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

G. "Identify" (when referring to a person) means to give, to the extent known, the person's full name, present or last known address, and the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

H. "Identify" (with respect to documents) means to give, to the extent known, the type of document; general subject matter; date of document; and author(s), addressee(s) and recipient(s).

I. "Identify" (with respect to a business organization or other entity that is not a natural person) means to give, to the extent known, the full name of such organization or entity; the present or last known address (designating which) of such organization or entity; and the form of such organization (i.e., corporation, trust, partnership, proprietorship, joint venture, etc.).

J. "Identify" (with respect to a communication) means to give, to the extent known, the date, nature and purpose of the communication; the place or places where such communication occurred; each person who originated, received or participated in such communication; the type of communication (i.e., letter, telegram, telephone conversation, etc.); substance of such communication; any person who authorized or ordered such communication; and any document relating or referring to, or comprising such communication.

K. "Identify" (with respect to an act or activity) means to state each transaction or act constituting the act or activity; to state the date such act or activity occurred; to state the place where such act or activity occurred; to identify each document referring or relating to such act or activity; to identify such person participating or engaging in such act or activity; and to identify each officer, director, agent, representative, or employee of Defendants who authorized or ordered such act or activity.

L. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

M. "Owner" means a shareholder of a corporation, a partner of a partnership or an individual proprietor.

N. "Perform" means any manner in which music is played, including but no limited to live music or music via records, tapes, broadcast, the Internet, compact discs or any other method by which music is played or provided.

## **II. INSTRUCTIONS**

A. The singular and masculine form of any noun or pronoun shall embrace, and be read and applied, as the plural or feminine or neutral, as circumstances may make appropriate.

B. If Defendants claim that any document, or description, record or recollection of any act, activity or meeting is privileged from discovery or confidential in any fashion, Plaintiffs request that said document, description, record or recollection of any such act, activity or meeting be identified with sufficient particularity to enable Plaintiffs to seek a ruling under F.R.C.P. Rule 37(a).

C. Whenever a full and complete answer to any Interrogatory contained herein or subpart thereof is contained in a document or documents, such document or group of documents, appropriately identified as answering a specific, numbered Interrogatory or subpart thereof, may be supplied in lieu of a written answer.

D. Whenever in these Interrogatories information is requested which was previously furnished in answer to another Interrogatory, such information need not be restated, and it will suffice to identify the previous answer containing the information requested.

E. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known, to call for estimates if any exist. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

F. Whenever an Interrogatory calls for information that is not available to you in the

form requested but is available in another form or can be obtained at least in part from other data in your possession, so state and either supply the information requested in the form in which it is available or supply the date from which the information requested can be obtained.

G. Unless otherwise required by the context, each Interrogatory should be construed independently and not by reference to any other Interrogatory herein for purposes of limitation.

### **III. INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify the legal entity (e.g., corporation, partnership, proprietorship) which owns or controls Da Stadium.

#### **ANSWER:**

#### **INTERROGATORY NO. 2:**

Identify each person or entity having an ownership interest in the entity identified in interrogatory No. 1 and the percentage ownership of each such individual or entity.

#### **ANSWER:**

#### **INTERROGATORY NO. 3:**

As to Defendant JT Sports, Inc. also known as JT Sports Bar, Inc.:

- a) What is his ownership interest and duties in Da Stadium?
- b) What was the amount of gross income received by defendant for the years 2012 to the present from Da Stadium?

#### **ANSWER:**

**INTERROGATORY NO. 4:**

As to Defendant Jimmy Summerlin:

- a) What is his ownership interest and duties in Da Stadium?
- b) What is his ownership interest and duties in JT Sports, Inc. also known as JT Sports Bar, Inc.?
- c) What was the amount of gross income received by defendant for the years 2012 to the present from Da Stadium?
- d) What was amount of gross income received by him for the years 2012 to the present from JT Sports, Inc. also known as JT Sports Bar, Inc.?

**ANSWER:**

**INTERROGATORY NO. 5:**

Identify all communications or correspondence between Da Stadium or JT Sports, Inc. also known as JT Sports Bar, Inc., on the one hand, and Broadcast Music, Inc. ("BMI"), on the other hand, prior to the institution of the present lawsuit.

**ANSWER:**

**INTERROGATORY NO. 6:**

Identify any correspondence or contact between Da Stadium or JT Sports, Inc. also known as JT Sports Bar, Inc., on the one hand, and any other party other than BMI (e.g., ASCAP, SESAC, songwriter, music publisher or other person), on the other hand, concerning a license or permission to publicly perform copyrighted musical compositions between 2012 and the present.

**ANSWER:**

**INTERROGATORY NO. 7:**

Identify the employees, owners and performers present in the establishment on the evening of April 1, 2015 and the early morning of April 2, 2015.

**ANSWER:**

**INTERROGATORY NO. 8:**

State how many days or nights per week music is performed at Da Stadium and specify the applicable number of days or nights music is performed by: only one singer or instrumentalist, more than one singer or instrumentalist, recorded music (e.g., CDs, tapes, LPs, free-play jukebox, DJ or VJ) or enhanced recorded music (e.g., karaoke, videotapes and videodiscs) and whether an admission or cover charge is paid.

**ANSWER:**

**INTERROGATORY NO. 9:**

State whether there is dancing to music at Da Stadium for any of the categories of music identified in response to interrogatory #8.

**ANSWER:**

**INTERROGATORY NO. 10:**

State whether Da Stadium has a jukebox and whether such jukebox is licensed.

**ANSWER:**

**INTERROGATORY NO. 11:**

Name the live entertainer(s), including but not limited to solo performers, group performers, bands, DJs or Karaoke Jockeys who performed at Da Stadium on the evening of April 1, 2015 and the early morning of April 2, 2015.

**ANSWER:**

**INTERROGATORY NO. 12:**

What is the maximum lawful occupancy of the entire premises as determined by the local building or fire authority for Da Stadium?

**ANSWER:**

**INTERROGATORY NO. 13:**

State the number of, screen size and location of televisions and the number and location of loudspeakers in the establishment.

**ANSWER:**

**INTERROGATORY NO. 14:**

Concerning the real estate housing Da Stadium at 5231 Burke Road, Suite 100, Pasadena, Texas 77504, identify the owner of the real estate, and state whether Da Stadium leases the premises.

**ANSWER:**

**INTERROGATORY NO. 15:**

State the internet address(es) for website(s) for Da Stadium.

**ANSWER:**

**INTERROGATORY NO. 16:**

State the internet address for any social networking site, such as Facebook, Instagram or Twitter on which Da Stadium maintains or has maintained an account.

**ANSWER:**

**INTERROGATORY NO. 17:**

State every print and/or internet advertisement that Defendants have made related to music performances at Da Stadium from 2012 to the present.

**ANSWER:**

**INTERROGATORY NO. 18:**

If Defendants do not unequivocally admit any or all of the accompanying Request for Admissions, for each Request not unequivocally admitted, identify all underlying facts and reasons in support of the failure to unequivocally admit each respective Request, identify all documents referring or related thereto, and identify all persons having knowledge of the underlying facts and/or documents.

**ANSWER:**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

BROADCAST MUSIC, INC.; )  
PROBNOBLEM MUSIC; WELSH WITCH )  
MUSIC; COMBINE MUSIC CORP.; )  
COUNTING CROWS, LLC d/b/a JONES )  
FALLS MUSIC; PORKCHOPS AND )  
APPLESAUCE PUBLISHING; THIS )  
OUGHT TO GET ME A NEW GUITAR )  
MUSIC; FREE OHIO PUB; EMI )  
BLACKWOOD MUSIC, INC.; )  
WARNER-TAMERLANE PUBLISHING )  
CORP.; EMBASSY MUSIC )  
CORPORATION; HOUSE OF CASH, INC.; )  
3JB MUSIC; FRESH BAKED COOKIES, )  
 )  
Plaintiffs, ) CIVIL ACTION NO.: 3:16-cv-00049  
 )  
v. )  
 )  
JT SPORTS, INC. a/k/a JT SPORTS BAR, )  
INC. d/b/a DA STADIUM SPORTS BAR; )  
and JIMMY SUMMERLIN, individually, )  
 )  
Defendants. )

**PLAINTIFFS' FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS BY DEFENDANTS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs request that Defendants produce for copying and inspection the following documents hereinafter described at the offices of David Le Blanc, Greer, Herz & Adams, L.L.P., 2525 South Shore Boulevard, Suite 203, League City, Texas 77573 not later than thirty (30) days from the date of service of this request, or at such other time or place as may be agreed upon by counsel. These requests are continuing in nature and require supplementary production of any and all documents falling within the scope of the request that may come into the knowledge, custody, control or possession of Defendants, or any of them, subsequent to Defendants' responses hereto.

By: /s/ J. Scott Andrews

**David Le Blanc**

Attorney-In-Charge

Greer, Herz, & Adams, L.L.P.

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## **ATTORNEYS FOR PLAINTIFFS**

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of this document was served upon the following counsel of record, as indicated below, on this the 15<sup>th</sup> day of December 2016.

**Via Email (jsasummerlin@yahoo.com)& CMRRR #7002 0510 0003 2054 0759**

**Jimmy T. Summerlin (pro se)**

Da Stadium Sports Bar

5231 Burke Rd. Pasadena TX 77504

713-398-9131

jsasummerlin@yahoo.com

By: /s/ J. Scott Andrews

J. Scott Andrews

### **DEFINITIONS**

A. The term "Defendants", shall mean the named Defendants JT Sports, Inc. also known as JT Sports Bar, Inc. and Jimmy Summerlin as well as any of those Defendants' employees, agents, counsel, associates, accountants, servants, assignees, heirs, personal representatives, and all other persons or entities acting or purporting to act on behalf of Defendants in this action.

B. The term "Da Stadium" shall mean the establishment known as Da Stadium Sports Bar located at 5231 Burke Road, Suite #100, Pasadena, Texas 77504.

C. The term "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

### **DOCUMENT REQUESTS**

#### **REQUEST FOR PRODUCTION NO. 1:**

All documents which relate to and/or support, in any manner whatsoever, each denial of any allegation contained in the Complaint.

#### **RESPONSE:**

#### **REQUEST FOR PRODUCTION NO. 2:**

All documents which relate to and/or support, in any manner whatsoever, each defense stated in your Answer.

#### **RESPONSE:**

#### **REQUEST FOR PRODUCTION NO. 3:**

All documents which evidence, memorialize or support the basis for each and any denial which may be contained in Defendants' responses to Plaintiffs' First Request For Admissions served simultaneously herewith.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:**

All documents which serve as the basis for your responses to Plaintiffs' First Set of Interrogatories served simultaneously herewith.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:**

All documents which constitute, memorialize, refer and/or relate in any manner whatsoever to written and/or verbal communications between Defendants and Broadcast Music, Inc. ("BMI") pertaining to the solicitation for or execution of a license agreement with respect to Da Stadium.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:**

All documents which constitute, memorialize, refer and/or relate in any manner whatsoever to written and/or verbal communications between Defendants and the American Society of Composers, Authors and Publishers ("ASCAP") or SESAC or any songwriter, music publisher or other person pertaining to the solicitation for or execution of a license agreement with respect to Da Stadium.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:**

All license agreements between Defendants and (1) the American Society of Composers, Authors and Publishers (“ASCAP”); (2) SESAC; or (3) any individual songwriter, music publisher, or other person or entity for the public performances of musical works at the premises of Da Stadium.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:**

All documents which constitute, memorialize, refer and/or relate in any manner whatsoever to the musical entertainment provided at Da Stadium for the period September 2012 to the date hereof (including but not limited to jukeboxes, stereo equipment, radios and/or televisions).

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:**

All documents which reflect the maximum lawful occupancy of the entire premises of Da Stadium.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:**

A copy of all applications sent by the Defendants to the appropriate liquor licensing authority, for a liquor permit or license on the premises of Da Stadium.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:**

A copy of all applications or similar forms required by the Secretary of State's office for the right to transmit business as a corporation including but not limited to annual reports, certificates of good standing or similar documents required by state law.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:**

All income tax returns filed by Defendants for the years 2012 through 2015.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:**

All records reflecting the music performed or provided at Da Stadium on the evening of April 1, 2015 and the early morning of April 2, 2015.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:**

All documents concerning the real estate housing the establishment, including but not limited to any lease, deed or document of sale.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:**

All documents Defendants may use at trial or may include on its Exhibit List for trial.

**RESPONSE:**